

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED
DEC - 5 2016

Clerk, U.S. District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR 15-57-BLG-SPW

ORDER

JOSHUA LEE HELM,

Defendant.

Before this Court is a letter from Defendant Joshua Lee Helm entitled “Motion to Withdraw Plea.” (Doc. 120). Since his arraignment on June 1, 2015, Helm has elected to proceed with counsel. Despite having counsel, however, Helm filed this motion pro se. Through his pro se filing, Helm engages in hybrid representation without first seeking this Court’s permission. *See United States v. Klee*, 494 F.2d 394, 396-97 (9th Cir. 1974) (a criminal defendant does not have an absolute right to both self-representation and the assistance of counsel); *see also United States v. Daniels*, 572 F.2d 535, 540 (5th Cir. 1978) (whether to allow hybrid representation remains within the sound discretion of the trial judge). Under such circumstances, “[a] district court has no obligation to entertain pro se

motions filed by a represented party.” *Abdullah v. United States*, 240 F.3d 683, 686 (8th Cir. 2001).

This Court will not consider motions filed by Helm personally and declines to consider his Motion to Withdraw Plea. Accordingly, IT IS HEREBY ORDERED that Helm’s Motion to Withdraw Plea (Doc. 120) is DENIED.

DATED this 5th day of December, 2015.


SUSAN P. WATTERS
United States District Judge